

FILED '08 DEC 11 15:39 USDC-ORE

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF OREGON

ROBYN DIEHL,

Plaintiff,

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

Case No. 6:08-cv-3050-HO

JUDGMENT AND ORDER OF REMAND

---

Based on the stipulation of the parties, it is hereby ORDERED that the above-captioned case be REVERSED and REMANDED for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the ALJ shall consider—and explain the weight given to—all treating, examining, and non-examining medical source opinions, including those of Herbert M. Fisher, M.D., and Leslie H. Kim, M.D. The ALJ shall also request that Dr. Fisher provide additional evidence, including all of Plaintiff's treatment notes. The ALJ shall also assess a residual functional capacity that reflects the specific limitations established by the record as a whole.

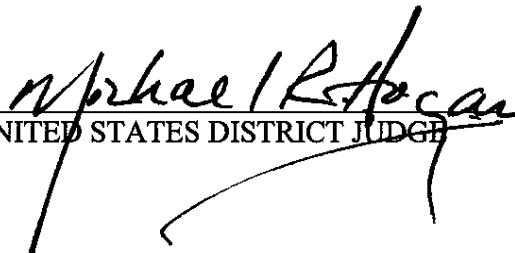
If necessary, the ALJ shall also obtain additional vocational expert testimony to establish the effect of the assessed limitations on Plaintiff's occupational base, and to determine whether

Plaintiff has acquired any skills that are transferable to other occupations. The ALJ's hypothetical question to the vocational expert shall reflect the specific limitations established by the record as a whole, and the ALJ shall ask the vocational expert to identify examples of appropriate occupations and to state the incidence of such occupations in the national economy. Before relying on the vocational expert's testimony, the ALJ shall identify and resolve any conflicts between the vocational expert's testimony and the Dictionary of Occupational Titles and the Selected Characteristics of Occupations.

Plaintiff is entitled to reasonable attorney fees and costs pursuant to 28 U.S.C. § 2412(d), upon proper request to this Court.

JUDGMENT is entered for Plaintiff, and this case is closed.

DATED this 11<sup>th</sup> day of Dec., 2008.

  
UNITED STATES DISTRICT JUDGE

Presented by:

/s/ Mathew W. Pile  
MATHEW W. PILE  
Special Assistant U.S. Attorney  
Office of the General Counsel  
Social Security Administration  
(206) 615-3760  
Of Attorneys for Defendant